

## FIRST STREET PAVING SUIT

### Property Owners Make Appeal to Court.

#### Ask That City Be Restrained From Collecting Tax Levied.

#### Irregularities and Unfairness Are Charged Against Authorities by the Petitioners.

On the charges of illegality, unfairness and indiscretion, a complaint was filed against Salt Lake City, P. J. Moran, paying contractor and Fisher Harris, City Treasurer, yesterday in the Third District court to prevent the collection of the tax levied by the City Council for paving First street from State street to A street. The complaint is made by T. W. Jennings, Byron Geo. Mrs. C. C. Young, J. A. Groesbeck, Jr., George W. Derr, M. C. Beattie, George D. Alder, M. D. Elvers, Hannah Rowe, Henrietta D. Ellerbeck, Evelyn Y. Davis, the Utah Light and Railway company and Robert Harkness.

In addition to the protestants the complaint alleges that the following are opposed to the tax: L. W. Snow, T. B. Hills and George E. Ellerbeck.

**Notice Did Not Specify.**

The protestants claim that the notice of intention to pave the street which was sent out on May 3, 1933, did not specify the kind of paving to be used, and consequently they had no chance to object or approve of the asphalt pavement. Moreover, it is claimed the paving was ordered on the petition of property owners representing 975.52 feet, while the protestants represent 1553 feet. Four of the petitioners, Burton, Wells, Ellerbeck and Hills, representing 235 feet, afterwards signed the protest, reducing the frontage of the petitioners to 740.52 feet. At the present time, it is represented, more than two-thirds of the land owners object to the project, and hence the Council has lost its right to levy an assessment for the pavement.

Disregarding these facts, says the petition, the Council on September 1 passed an ordinance directing the paving of the street, but the ordinance was never enforced until recently. The protestants made objection to having the street paved at all, but had no opportunity to object as to the particular kind of pavement later directed by the Council.

**Street Railway Matter Pending.**

The complaint further notes that the right of the street railway company to maintain two tracks on the street is still pending in the courts, hence the city is unable to tell what it is paying the cost of the paving the company will have to pay. No notice of the paving should be issued until this is decided. The company is required to pay for paving 18 feet in the center of the street, under the present assessment, and the property owners are required to pay for paving 18.55 feet. That is, out of a total of 36.55 feet in width the company is required to pave a total of over 31 per cent under the present apportionment.

Further, the complaint alleges that the paving taxes are illegal because the statute has not been complied with requiring that before any paving is done, sewer connections should be completed. At the time of the passage of that act no sewer connections had been laid, and the city has made no effort to comply with that law, and hence the tax is alleged to be illegal.

The ordinance provides for paying for curbing, it is claimed, but as a large part of the street has already been properly supplied with curbing and as no allowance has been made for this, the tax is not uniform, and hence illegal in requiring the owners to pay for what has already been collected by the city.

**Protestants Pay Large Proportion.**

The complaint also alleges that the petitioners pay less than 27 per cent, and the protestants more than 50 per cent of the entire amount to be paid. Hence the plaintiffs claim that the Council has overstepped its rights in compelling three-fourths of the property to pay taxes for the benefit of one-fourth.

Nevertheless, the City Council, after advertising, let the contract for paving the street to P. J. Moran on the following basis: Grading, \$2065; paving, \$11,747.70; guttering, \$102.50; curbing, 1833; curbing, \$533; total, \$17,581.20.

The complaint alleges that the price of the curbing to be done by P. J. Moran is in addition to the price of paving to be charged for, and so the expense of paving, independent of guttering and curbing and including that to be done by the street railway company, will be in excess of \$20,000, of which all persons not objecting to the proposed paving would pay less than \$6000.

#### EXCURSION RATES

##### Via Oregon Short Line.

St. Louis and return ..... \$42.50  
Chicago and return ..... 47.50  
Chicago and return via St. Louis, 47.50  
St. Louis and return via Chicago, 47.50  
Through Pullman sleepers via Union Pacific and Wash. lines.  
Limit 60 days. Transit limit 10 days in each direction.  
Tickets on sale Tuesdays and Fridays each week. Stop-overs allowed.

##### A Fine Baby

Arrived 13 years ago, Mrs. Hannah Lyngberg was the midwife. The father wouldn't pay the bill; said it was outlawed. Jever hear the like? We collected it today. Does anybody owe you? If so write or call on us.

MERCHANTS' PROTECTIVE ASS'N.  
Francis G. Luke, Gen'l Manager,  
Scientific Collectors of Bad Debts.  
Top floor Commercial Block.  
"Some People Don't Like Us."

Trains every hour, commencing 2:00 p. m., to Salt Lake this afternoon. Republican day.

## MUST COMPLY WITH SEWER ORDINANCE

### City Court Decides That Blind Connection Does Not Meet Requirements.

Sewer Inspector W. J. Korth won a signal victory yesterday when W. H. Cromer reported to the Board of Health that in accordance with the new sewer ordinance he had extended the sewer into his house, located at 246 East Second South street. When first requested to make the connections, shortly after the passing of the ordinance by the City Council, Mr. Cromer made a blind connection, only taking the sewer inside his lot. Inspector Korth detected the fact a few days ago and when Cromer refused to obey the law Korth filed a complaint against him in Judge Diehl's court. After an extended trial, which was concluded last Wednesday, Judge Diehl decided in favor of the city and gave Cromer two days in which to make sewer connections. Yesterday he reported to Inspector Korth that he had obeyed the decree of the court.

Cromer pleaded not guilty to the charge of violating the sewer ordinance when brought to trial and maintained that he had fulfilled every requirement by bringing the pipes inside his lot and by taking out the license. Judge Diehl overruled his plea, saying that he favored making all people whose property abuts the sewer line live up to the ordinance. This means that those persons who have contemplated fighting the ordinance in the courts will receive little sympathy. Inspector Korth regards Judge Diehl's decision as a great victory and declares that it will put an end to all his troubles.

#### BOYS GET COPPER WIRE.

##### Patrolman Captures One Boy After Exciting Chase.

After an exciting chase, for which he had impressed a buggy into the public service, Patrolman Carlson made a capture of Arthur Moyer, aged 15, of 562 Main street, whose father owns a saloon at 50 North Third West. The boy is charged with having stolen some fifty pounds of copper wire from the Utah Light and Railway company. Carlson had gone into the alley north of The Tribune building to look for a bicycle that had been stolen, when he was told by the foreman of the sewer plant that the wire had been taken by some boys who were just then disappearing at the end of the alley. The officer ran after them and got into a buggy that was tied up and chased Moyer in it for two blocks. The boy took refuge in a Chinese laundry, and ran out into the back yard, being finally caught in another alley a little way farther off. When captured he denied having stolen the wire, but said he was "with the crowd that did," and told where the goods had been cached. The boy's parents said that he had not stolen the wire at all, because his father had given him some the day before. Then when told that the boy had denied all knowledge of the wire, they said: "Oh, well, he had some just like it at home, anyway."

#### EXHIBIT FOR THE KNIGHTS.

##### Real Estate Men Have Their Plans Perfected.

Plans for a full exhibit of Utah's products at Utahna park were perfected at last evening's meeting of the Salt Lake Real Estate Men's association. The exhibits will be ready for the visiting Knights Templars by Saturday noon. They will be in the large tent today.

Reports from a majority of the principal mines of the State were received and showed that they will have a fine exhibit of ores and assays.

Agriculturists and fruit-growers have responded readily to the notices sent out by the committee and will send in large displays of the products of their farms and orchards.

As to manufactures, every effort is being made to secure an adequate display in this line. Work in this direction is still being actively prosecuted.

Last evening's meeting was held in the rooms of the Houston Realty company on Main street.

#### Nevada's Next Senator.

Hon. George S. Nixon, of the Winnemucca, Nev., banker, is all the while the man whom the Republicans of that State intend to send back to the United States Senate, and there is every reason to believe that the party will be successful at the coming election. It is so he is the next Senator. He has been endorsed by the convention. He is accompanied by George T. Mills, another leading politician of Nevada and a nephew of D. O. Mills, the New York millionaire philanthropist and a former Californian.

#### Fall Hats That Lead

In style and generally attractive appearance are Miller, Warburton, Denny derbies. Sole agents.

BROWN, TERRY & WOODRUFF CO.,  
166 Main St.

#### SAN FRANCISCO AND RETURN

##### LOS ANGELES AND RETURN, Only \$38.50.

Aug. 16 to Sept. 11, inclusive, via O. S. L. Tickets good one direction via Portland \$47.50. See agents.

##### California Republicans Meet.

SANTA CRUZ, Cal., Aug. 25.—The Republican State convention, called to choose nominees for Presidential electors, met today and elected Robert T. Deville of Sacramento chairman. The usual committees were appointed and a recess was taken until tomorrow.

##### Everybody, Take Notice!

The modern, up-to-date hotel, St. Elmo, corner Third South and Main, has changed hands. Under the management of Mr. and Mrs. John Oldham.

##### Smith Is Chosen.

SANTA CRUZ, Cal., Aug. 25.—The eighth congressional district Republican convention today nominated S. C. Smith of Bakersfield for Congressman.

When in need of a carpenter, phone H. P. Williams—Bell, 2145-k; Independent, 241. Shop, 21 S. State.

## VERMILION'S LAST CUSTOMER

### Miss Forbes Saw Him at 10 O'Clock.

#### Man Soon to Die Laughed and Talked in Bantering Way.

#### San Francisco Friends Scout Suicide Theory—Gilliam Saw Murderer's Tracks.

More facts were brought out in the investigation of the Vermilion murder yesterday. Miss Jennie Forbes, so far as is known, the last customer in the drug store the night its proprietor was murdered, says the young man at 10 o'clock that night was in good spirits and evidently expected to go on living.

"I went over to the store," said Miss Forbes, who lives almost across West Second South from the pharmacy, "after some corks for ketchup bottles. Mr. Vermilion was sitting on the outside at the time talking to some man whom I did not notice. He jumped up and opened the door for me. He looked for corks and brought out one, the only one he had. He said he would have more at 5 o'clock the next day. He laughed and talked in a bantering way, as he always did. He followed me to the door, opened it for me and took his seat beside the man to whom he had been talking. As I left he was resuming his conversation with this man.

"I lacked a few minutes of 10 o'clock when I left the store. I did not notice the man to whom the druggist was talking."

**Tracks of the Murderer.**

Frank Gilliam, who saw the murderer run across Fourth and West and then into the brush of a vacant lot, took pains to go out and look for the man's tracks the next morning early. By good fortune no one else appeared to have crossed the street. Gilliam followed the tracks of the running man almost all the way across the roadway. They were apparently made by a No. 6 or 7 shoe with a pointed toe. The tracks, according to Gilliam, were very well defined. "In fact," said he, "the man appeared to have run well on his toes."

Coroner Clark is still continuing his investigation and is making every effort to locate all witnesses who know anything about the affair. Yesterday's session of the Coroner's jury lasted two hours during the morning. At this session Judge Vermilion, father of the murdered man, was the main witness. Judge Vermilion told of his son's financial condition and his general shadow. He could give no cause or shadow of a cause for suicide, but, on the contrary, knew his son was preparing for the future.

More evidence to this effect is given in an interview with J. M. Maynard, a resident of this city, and a graduate of this spring of the pharmaceutical department of the Affiliated Colleges, who was found about midnight Monday in a recently-purchased drug store at 311 West Second South street, Salt Lake City, Utah, with a bullet through his cheek and the cash register open, did not commit suicide, as the telegraphic account of the killing story indicated, according to the belief of his San Francisco friends. "It is a case of murder," said J. M. Maynard of 1614 Turk street, a close friend of the deceased.

John Lewis, manager of no reason to kill himself, continued Maynard. "He had no woman entanglements, and was too fond of the pleasures of life, with a bright future before him."

"The three years he resided in Mrs. Francisco Vermilion boarded with Mrs. M. A. Newberry of 1605 Turk street, who was visibly affected by the news of his tragic death. His disposition was too bright and sunny for me to ever entertain the idea that Mr. Vermilion took his own life. I do not believe it. He was killed."

Vermilion was about 24 years of age. He was born in Canada, where his parents, who live in Dillon, Mont., were visiting in that country. He came to San Francisco in the fall of 1901, and entered the Affiliated Colleges, graduating this spring. While in school the young man played two seasons on the college football team, being a heavily-built man and fond of athletics. He also had a baseball record, earned while he was attending that school. Vermilion did not occupy with his studies and laboratory work, Vermilion assisted in the Standard Pharmacy company of 1309 Market street and in Bailey's drug store, Eddy and Scott streets.

**To Send Parents on Trip.**

"The last letter received by Maynard from Vermilion came to hand a few days ago, in which the young man asked his friend to secure light house-keeping rooms for his father and mother, who were coming to San Francisco to attend the Knights Templars convocation. For two years or more the son had been anticipating sending his father to the Masonic gathering, he to pay the expenses, as a compliment to the father for all he had done for him in his younger days. At the time of the tragedy his mother and two sisters were visiting him from Montana. The father is connected with the Northern Pacific road at Dillon."

**\$1.00 TELEPHONES**  
For Residences.  
20 outgoing calls per month. No charge for incoming calls. 24c for excess calls.

**\$2.00 TELEPHONES**  
For Residences.  
Unlimited service.

ROCKY MOUNTAIN BELL TELEPHONE CO.

Expert piano tuner and repairer. P. O. box 905. Phone Carstensen & Anson Co.

**BACHELOR APARTMENTS.**  
Between University and Alta clubs on Brigham street, dining-room will open Sept. 1st. Single room \$10 and up.

## ALLEGHENIANS GO TO YELLOWSTONE

### Pennsylvania Sir Knights Viewed Zion's Sights Yesterday.

Knights Templars continued to pass through Salt Lake yesterday, although the number was not very large. One special party from Allegheny, Pa., arrived over the Rio Grande on No. 5 in three cars and became guests of the Kenyon. After spending the day in viewing the sights, their cars were again boarded at the Short Line station and the journey to the Yellowstone was begun. This party was made up of Sir Knights of Allegheny commandery No. 35 and they have the finest kind of cars, having their own diner and sleepers. After a tour through the park they will come back to Salt Lake and go on to San Francisco.

No. 1 and No. 3 last night also had a large number of through passengers, many of whom stopped off here. The hotels are crowded and rooms were at a premium last night, although most of the Republican delegates will be starting homeward today.

Edmund F. Erk of the Pittsburgh Chronicle is among the Allegheny party. He is one of the leading newspaper men of the city and others of the crowd are residents of Allegheny, although business men of Pittsburgh, and include some of the most congenial of fellows. Many ladies are in the party and the trip promises to be a fine one.

#### PERSONAL MENTION.

Melville and Walter Untermyer of New York are Knutsford guests. The Untermyers are prominently identified with large financial institutions of Wall street.

Dr. M. Urbem of Vienna is at the Knutsford.

At the Knutsford is W. S. Ferrier of Toronto.

E. F. Riggs Jr. of Washington, D. C., is at the Knutsford. He is of the well-known banking family of that city, which has been prominent in the financial and business affairs of the National capital for a number of years. R. V. Whiteley of the same city, F. Prescott and L. S. Fuller of Massachusetts are of the same party. The young men are on a tour of the West.

Charles C. Rosewater of Omaha arrived yesterday on a short pleasure trip, and has rooms at the Wilson.

Mr. and Mrs. D. C. Webb and family of Baltimore are among the Wilson's arrivals.

D. C. Dunbar came in from Chicago last night on business, and registered at the Wilson. He will be here some time.

Hon. J. A. Hyde of Neph, one of Utah county's leading business men, arrived at the Kenyon last night.

J. Y. Jewett of the United States geological survey, is at the Kenyon.

J. A. Denton of Callente is at the Cullen.

Curtis L. Knight is up from Kimberley and at the Cullen.

Judge Martineaux of Neph is at the Wilson.

Mr. and Mrs. A. C. Taylor and E. C. Taylor of Washington, D. C., are at the Wilson.

D. C. McRae of the Keith-O'Brien company, has just returned from a visit of several weeks in New York and other Eastern markets.

Miss Carrie J. Steward returned yesterday from New York city, where she has been for six weeks in the interest of the Cohn dry goods store.

John P. Hitchcock, general agent of the Wabash at Denver, was in the city yesterday, and left last night for home.

#### No Substitute Offered.

Say what you will about druggists offering something "just as good" because it pays a better profit, the fact still stands that ninety-nine out of a hundred druggists recommend Chamberlain's Colic, Cholera and Diarrhoea Remedy when the best remedy for diarrhoea is asked for, and do so because they know it is the one remedy that can always be depended upon, even in the most severe and dangerous cases. Sold by all leading druggists.

## City and Neighborhood

### PROF. WILLIAM APMADOC OF CHICAGO

will appear at the sixteenth ward meeting-house next Thursday evening, under the auspices of the Cambrian association of this city, in his "musico-literary recital." He will be stopping off in Salt Lake for two days on his way home from the coast, and has been prevailed upon by his Salt Lake friends and admirers to give his delightful recital here.

J. B. WISSING, a traveling salesman of this city, yesterday filed a petition in bankruptcy in the United States district court. The liabilities amount to \$750 and the assets \$50. The latter consist of personal effects, which the petitioner claims are exempt.

JOHN W. JAMES, member of troop A, and son of County Clerk James, who sustained a serious fall while trying out a wild horse last Sunday, writes from Provo that he is enjoying the best of health. Nevertheless, he is ordered to report to the hospital for treatment every morning. Camp life is described as being thoroughly enjoyable.

COL. C. F. Scott, chief electrician of the Westinghouse company, who was in Salt Lake yesterday, was entertained at the Commercial club by officials of the Utah Light and Railway company and Mr. C. F. Scott, the local agent of the Westinghouse company. Commenting upon the changes he noted since his last visit here six years ago, Col. Scott remarked that progress in the number of sources of water power and the way they are being taken advantage of. There is now 15,000 horsepower in the city and the water power of the city and others of the crowd are residents of Allegheny, although business men of Pittsburgh, and include some of the most congenial of fellows. Many ladies are in the party and the trip promises to be a fine one.

W. H. DANIELS, secretary of local 104 of the American Federation of Musicians, has been chosen delegate from the convention of the Utah Federation of Labor to be held in Ogden on September 12.

WORK on the new Federal building may stop for the next three months on account of the delay on the part of the authorities at Washington in letting the contract for conduit work and heating. This is likely to make the completion of the building as late as August or September, 1934, as it will be December before the plumbers and plasterers can start work, although the stone work is all done and the roof steel in place.

#### KNUTSFORD HOTEL.

The one place for comfort and elegance. Fireproof; telephones in every room; modern in every way.

#### HUNDREDS OF SKULLS.

##### Washed Out of Placer Property by Mining Company.

Special to The Tribune.

GRANT'S PASS, Or., Aug. 25.—Skulls by the hundred are being washed out by the hydraulic giants on the placer property of the Gallice Consolidated Mining company near here. The company recently purchased a tract of gravel on the bank of the Rogue river, and has just completed a ditch to it. In prospecting the bar an old Indian burying ground was uncovered, and up to date at least 400 skulls and a corresponding number of bones have been washed out.

The gravel was the scene of one of the closing battles of the Rogue river war, and the bodies of the Indians killed at that time are among the find. The major portion of them, however, were probably in the ground when Lewis and Clark visited the coast. Arrow heads and Indian jewelry are found in the graves. The ground is rich in gold and the company will work it next year.

#### RICH FIND IN COLORADO.

##### Ore Running 20 Per Cent Copper and \$18 Gold.

SALIDA, Colo., Aug. 25.—A mineral discovery in Chapeta mountain, in the Monarch district, has started a rush of prospectors to that locality. James Bond, an old-time miner, who returned this afternoon from the district, declares the strike to be the greatest he has ever seen. He says that he helped to measure the ore body on Chapeta and that there are seventy-five feet of ore running 20 per cent copper and \$18 in gold per ton.

## CRACK RIDER TALKS OF RACING GAME

### McFarland Says Motor Is a Hoodoo— May Finish Season In Zion.

Floyd McFarland, who is recognized to be the headiest rider that ever pedaled a wheel, arrived in Zion yesterday from New York, accompanied by Fred Schoppa, Australia's champion. McFarland intends to stop over in Zion for some time, and the probability is that he will finish the season here. During this time the local followers of the sport will have a chance to see the "Pride of Provo" measure speed with a greater rival than he has ever met before, and if "Sam" wins he will have added another laurel to his crown and taken a long stride toward the coveted championship.

For more than twelve years McFarland has held a prominent place among the world's champion cyclists. During this time he has frequently sacrificed his own chances of winning the championship honors for others whom he has been teaming, and so although never first, he has always been very near to the top. He teamed with Stevens in 1928, when he was at the zenith of his fame, and the two were recognized as being invincible. In 1929 he teamed with Champion Cooper, and in 1930 he teamed with Samson, who was with Kramer. Last year he teamed with Iver Lawson, and gave him a new wrinkle in the local. Of course, the sudden change of climate, the effects of a three day ride and also his unaccustomed riding in the heat of the day, which he had been doing some great riding. Last Sunday he won in the mile open from the local track, and he will slightly handicap him, but for all this the great Californian will safely guard his own. Next Tuesday he will ride Samson's one-mile match race.

When seen last evening McFarland had the following to say concerning racing in the East:

"The game is not as popular as it used to be. In the old days, when the golden days are over, the decline of the bicycle racing craze, the introduction of the motor car, and the fact that the track was broken down, street cars and phone lines entangled and burned out. The ranch of E. H. H. suffered severe damage, and the mountain climbing was of several feet. The Pacific Union lines suffered serious damage, and the Western Union lines also were affected.

At Creder the worst storm of the season broke all records for water. Hundreds of trees were work on the Santa Fe road last attempt will be made to get through in two days. No more be gotten on account of the east and west, the wagon washed out and the electric lines are closed down on account of failure of teams to haul the Saturday, and the town is running on supplies. A great storm is on the mountains today.

**SUFFOCATED IN HIS ROOM.**

##### Prominent Mining Engineer a Fire.

KALAMA, Wash., Aug. 25.—Rosendale, a prominent mining engineer of Portland, was suffocated by fire which consumed a portion of his room at the hotel of Collins here last night. Rosendale retired for the night, but before to sleep he placed a lighted candle on a dresser. The ashes fell on some clothing and all unknown a fire was smoldering until Rosendale awoke, on being suffocated by the fumes that filled the room.

At 4 o'clock this morning Rosendale was awakened by the noise, and, rushing up stairs, he found his room in flames. A garden hose was used to extinguish the flames. Rosendale's body was burned but little, but he was suffocated by the fumes. Rosendale's room, who occupied a room adjoining Rosendale's, was also suffocated by the fumes that filled the room.

Trains every hour, commencing 2:00 p. m., to Salt Lake this afternoon. Republican day.

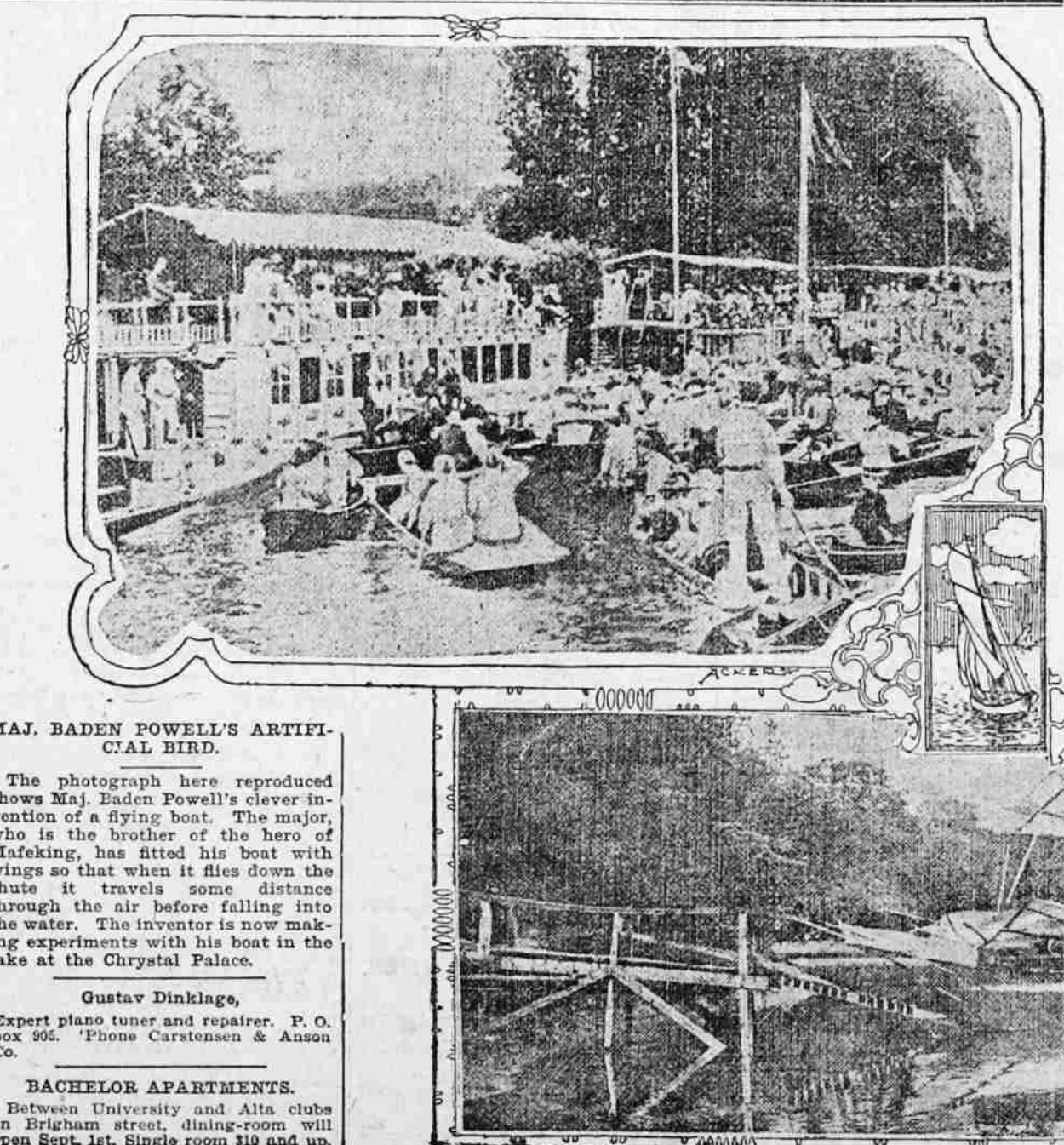
#### KIDNAPERS GET NEW

##### It Is Believed That They Will Be Freed.

Special to The Tribune.

RAWLINS, Wyo., Aug. 25.—Annie E. Tout and her daughter Viola Biggs, who have been in captivity for a few months, were taken to the Supreme court yesterday for kidnaping. The Supreme court granted the hearing, and it is expected that the evidence was not sufficient for conviction, and did not deal with the case. The crime was committed by the Tout family, who were charged with the kidnaping of Viola Biggs, the daughter of Mrs. Tout, and leaving it to the hands of charity.

Trains every hour, commencing 2:00 p. m., to Salt Lake this afternoon. Republican day.



#### MAJ. BADEN POWELL'S ARTIFICIAL BIRD.

The photograph here reproduced shows Maj. Baden Powell's clever invention of a flying boat. The major, who is the brother of the hero of Mafeking, has fitted his boat with wings that when it flies down the chute it travels some distance through the air before falling into the water. The inventor is now making experiments with his boat in the lake at the Chrystal Palace.

Gustav Dinklage,  
Expert piano tuner and repairer. P. O. box 905. Phone Carstensen & Anson Co.

**BACHELOR APARTMENTS.**  
Between University and Alta clubs on Brigham street, dining-room will open Sept. 1st. Single room \$10 and up.